

TEWKSBURY ZONING BYLAW SUBCOMMITTEE  
October 15, 2013

**Call The Meeting to Order**

Vincent Spada called the meeting to order at 7:00 P.M. at the DPW Conference Room. Present at the meeting were Nancy Reed, David Plunkett and Community Development Director Steven Sadwick. Also in attendance were Board of Health members Ray Barry and Kathleen Brothers.

**Approval of Minutes – July 8, 2013 and July 23, 2013**

**MOTION** - Mrs. Reed made a motion to approve the Zoning Bylaw Subcommittee minutes of July 8, 2013 as presented. The motion was seconded by Mr. Plunkett and unanimously voted 3-0.

**MOTION** - Mrs. Reed made a motion to approve the Zoning Bylaw Subcommittee minutes of July 23, 2013 as presented. The motion was seconded by Mr. Plunkett and unanimously voted 3-0.

**(A) Old Business**

**(A1) Medical Marijuana**

Mr. Sadwick provided a document from Kathleen Brothers. There have been 47 applications for medical marijuana facilities in Middlesex County. Ms. Brothers stated that these are the applications for Phase I but we don't know what communities they are applying in. Mr. Sadwick stated that he spoke with Ms. Clement today and she heard that there have been applications in the Lawrence/Haverhill area.

Mr. Spada asked if the application has to specify the Town applying for. Mr. Sadwick stated that only the State knows where these applications are applying too, we are given how many in what counties. Mr. Barry added that these are just the approved application.

Mrs. Reed stated that there are some interesting things getting passed in other Towns. In the Town of Concord, their bylaw only has a definition, allowed in a medical zone and distances from schools and libraries.

Ms. Brothers stated that at this committee last meeting there was talk about the old police station. Mrs. Reed stated that was more of a joke. Mr. Spada asked why it would be considered a joke. It is a good location due to the proximity of the Police Station. Ms. Brothers agreed. Mr. Plunkett stated that it is not privately owned, the State owns it.

Mr. Plunkett stated that the Concord bylaw is clear and simple. We should do the same. It must be in a commercial zoning district, there must be certain setbacks from schools and churches and it must be a stand-alone site. The only question is what size would be required for a dispensary versus a growing site or a combination of the both. Mr. Spada stated that we should specify any commercial zoning along Main Street. Mr. Sadwick stated that the only other commercial zoning is on Andover Street near the Lowell line. Mr. Spada stated that the Chief also requested a distance from Rt. 495 of at least 1,000'.

Mr. Barry asked if this bylaw is approved at Town Meeting, would an application have to go to Town Meeting also. Mr. Plunkett replied no, they would have to come to the Planning Board for a Site Plan Special Permit.

Mrs. Reed asked if there was another layer of regulations with the Board of Health. Mr. Barry stated that they received information from Mass DPH that local Boards of Health will not be involved. The State will issue permits and do the inspections.

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Mr. Plunkett stated that the State will collect all the fees but the Towns have to deal with all the problems.

Ms. Brothers stated that a cultivation facility would probably require additional public health permits. Mrs. Reed stated that they would still require a Site Plan Special Permit. Mrs. Reed agreed we should keep our bylaw simply but include the requirements from the State.

Mr. Spada stated that the Town of Dennis has a good bylaw. A medical marijuana facility cannot be in medical building, there can be no smoking on site, it must be in a heavy industrial district and subject to Section 13 which describes all the criteria referenced in the State regulations including security measures and reporting.

Mrs. Reed asked if Dennis would be a good model for our bylaw. Mr. Spada replied he believes that it is a good starting point.

Mr. Sadwick stated that the Attorney General has approved the Dennis bylaw with some minor nuisance changes to Section 13. Mrs. Reed asked if we could get a word document of the Dennis bylaw. Mr. Sadwick stated that he will try to get a copy tomorrow. Mr. Plunkett stated that there should be agreement that Rt. 38 is the best option. Mr. Spada agreed and stated that the Police Chief also agreed to allow for best observation.

Mr. Plunkett stated that we should now be looking at the criteria. It must be along Rt. 38, a stand-alone single use facility, 1,000' distance from Rt. 495 and look at different distances from schools, churches and daycares. The distances that should be looked at are 500', 1,000' and 1,500'. Mr. Plunkett asked if a map could be done showing these distances.

Ms. Brothers asked why this facility could not be located in the adult entertainment district. Mr. Plunkett stated that these areas are too remote and could be a security issue according to the Chief. Ms. Brothers asked if the old police station site could be looked at as an option.

Mrs. Reed stated that it is owned by the State and the CPC is looking at taking down the existing building and making it a park.

Mr. Sadwick stated that in summary, he will get the word document of the Town of Dennis bylaw. He will get a map of Rt. 38 showing distances of 500', 1,000' and 1,500' from schools, churches and daycares as well as 1,000' distance from Rt. 495 as well as showing the Interstate Overlay District.

Mrs. Reed asked if these Phase I applications are only for dispensaries when would the applications for cultivation be. Mr. Spada stated that he believes that they are for both. Mr. Sadwick stated that once we review the documents he is gathering they can create a draft bylaw and send it to the State to see if we have captured the information correctly. Mr. Spada stated that Amherst and Dennis have same number for warehouse.

### **Other**

Mrs. Reed stated that the neon lights at Al Fresca's and now John Ryan's Pub are horrible and asked if anything can be done.

### **Adjournment**

**MOTION** - Mrs. Reed made a motion to adjourn at 7:46 PM. The motion was seconded by Mr. Plunkett and unanimously voted 3-0.

**APPROVED 1/13/14**